IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3045 OF 2006

IN

APPEAL (lodging)NO. 631 OF 2006

IN

NOTICE OF MOTION NO. 67 OF 2005

IN

INSOLVENCHY NOTICE NO.N/46 OF 2005

Pravin Vrajlal Gandhi ... Appellant
(Orig.Judgment Debtor No.3)

Versus

M/s. SICOM LTD. ... Respondents

Mr. A.M.Saraogi i/b. Rajesh Thakur for appellant.
Mr. P.V.Shah for Respondents.

CORAM: D.K.DESHMUKH &
J.H.BHATIA,JJ.
DATE : 23rd July, 2007.

P.C.

1. Heard learned Counsel for the appellant on the Motion as well as the Appeal.

2. Assumig that there is sufficient cause shown for condonation of delay in filing the appeal, considerign that the appellant is one of the judgment debtors, in our opinion, there is no reason to interfere with the impugned order. The fact that another judgment debtor is holding some property cannot be the reason for the appellant not paying the amount of the decree passed against him. The liability of the appellant and the Company is joint and several. Therefore, the decree holder is entitled to proceed against the appellant. We see no reason to interfere with the same.

The Motion and the Appeal are disposed of.

(D.K.DESHMUKH,J.)

(J.H.BHATIA,J.)